

### Remarks

Claims 1 and 4-28 are pending in this application. In an Office Action dated January 13, 2005, the Examiner rejected claims 1 and 4-28 as being unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 5,600,710 to Weisser, Jr. *et al.* (Weisser) in view of U.S. Patent No. 6,597,780 to Knoerle *et al.* (Knoerle). The Examiner also rejected claims 1, 11, 21 and 28 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 5,844,896 to Marks *et al.* (Marks). Applicants respectfully disagree with the Examiner's rejections and request reconsideration in light of the following arguments.

#### The § 103 Rejections

The Examiner rejected claims 1 and 4-28 as an obvious combination of Weisser and Knoerle. Neither reference teaches or fairly suggests placing a call from an intelligent peripheral to determine if a subscriber line is busy.

Claim 1, as amended, provides for a method of queuing calls to a subscriber of queuing services accessed through a subscriber line. Call Forward on Busy Line is provisioned on the subscriber line to permit detecting a call to the subscriber line at a local switch connected to the subscriber line. If the subscriber line is busy, the call is forwarded to an intelligent peripheral within an Advanced Intelligent Network (AIN) telecommunications system. The call to the subscriber is queued in the intelligent peripheral. A determination is made that the subscriber line is not busy **by dialing the subscriber line from the intelligent peripheral**. If a call is queued in the intelligent peripheral and the subscriber line is determined to be not busy, the call to the subscriber is connected with the subscriber line.

Claim 1 has been amended to indicated that the subscriber line is determined to be not busy by dialing the subscriber line from the intelligent peripheral. Neither Weisser nor Knoerle teach or fairly suggest such a determination.

Weisser discloses detecting that the subscriber line becomes idle by having an SCP sent a monitor-for-change message at column 9, lines 41-46, reproduced as follows:

Simultaneous to the message being played to the calling party, the called line is monitored to determine when it becomes idle (blocks 170, 180, and 190, FIG. 2). The SCP 26 initiates

the monitoring by sending a monitor-for-change message to the SSP 15 that handles the called number.

Knoerle does not appear to address this problem. Thus, neither reference teaches nor suggests Applicants' call placed from the intelligent peripheral to determine whether or not the subscriber line is busy. Claim 1 is patentable over Weisser and Knoerle. Claims 4-10, which depend from claim 1, are therefore also patentable.

Independent claim 11 provides a system for queuing subscriber calls within an Advanced Intelligent Network (AIN) telecommunications system including, *inter alia*, an intelligent peripheral operative to place a busy check call to the subscriber line. Since neither reference cited by the Examiner teaches or fairly suggests Applicants' intelligent peripheral, claim 11 is patentable over any combination of Weisser and Knoerle. Claims 12-20, which depend from claim 11, are therefore also patentable.

Independent claim 21 provides a method for queuing subscriber calls including, *inter alia*, placing a call from an intelligent peripheral to determine if the subscriber line is still busy. Since neither reference cited by the Examiner teaches or fairly suggests placing such a call from intelligent peripheral, claim 21 is patentable over any combination of Weisser and Knoerle. Claims 22-27, which depend from claim 21, are therefore also patentable.

Independent claim 28 provides a method for queuing subscriber calls. At least one subscriber line is in an intelligent peripheral. A busy check call is placed from the intelligent peripheral to a subscriber line. The busy check call is received in a local switch servicing the subscriber line. If the subscriber line is busy, the busy check call is forwarded back to the intelligent peripheral through Call Forward on Busy Line functionality implemented in the local switch. If the intelligent peripheral receives back the forwarded busy check call, the busy check call is disconnected. If the subscriber line is not busy, a queued subscriber call is connected with the busy check call.

Neither reference cited by the Examiner teaches or fairly suggests placing a busy check call from an intelligent peripheral or doing anything with such a call forwarded back to the intelligent peripheral. Thus, claim 28 is patentable over any combination of Weisser and Knoerle.

**The Double Patenting Rejections**

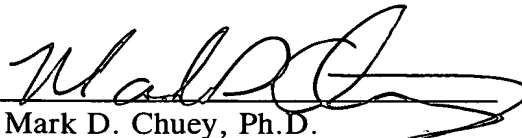
The Examiner rejected claims 1, 11, 21 and 28 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of Marks. Claim 1 of Marks does not provide for placing a call from an intelligent peripheral to determine if a subscribers line is busy. Moreover, Marks does not disclose or fairly suggest placing such a call.

Claims 1 and 4-28, as amended, are pending in this application. Applicants believe these claims meet all substantive requirements for patentability and respectfully request that this case be passed to issuance. No fee is believed due by filing this amendment. However, any fee due may be withdrawn from Deposit Account No. 21-0456 as specified in the Application Transmittal.

The Examiner is invited to contact the undersigned to discuss any aspect of this case.

Respectfully submitted,

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